

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
MARY VAN BRUNT-PIEHLER,

*Plaintiff,*

*v.*

ABSOLUTE SOFTWARE, INC., ABSOLUTE  
SOFTWARE CORPORATION, GEOFF HAYDON,  
THOMAS KENNY, and TODD AWTRY,

*Defendants.*

PLAINTIFF'S REQUESTS FOR  
ADMISSIONS

Civil Action No.  
16-CV-6313-EAW-MWP

Pursuant to Federal Rules of Civil Procedure 26(b)(1) and 36, plaintiff request that the defendants admit the following matters.

**PLEASE NOTE:** This Request shall be deemed continuing and shall be supplemented when necessary to reflect documents found, events occurring and/or information becoming available after the service of the defendants' response to this Request.

**DEFINITIONS AND INSTRUCTIONS**

1. If the defendants do not admit any of the following, they must serve a written answer or objections within 30 calendar days of being served with this request. As to each matter not admitted, the defendants must deny it or state in detail why they cannot truthfully admit or deny it. A denial must respond fairly to the substance of the matter; and if good faith requires that the defendants' qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The defendants may assert lack of knowledge or information as a reason for failing to admit any of the following only if the defendants represent truthfully that they have made a reasonable inquiry and that the information that they know or can readily obtain is insufficient to enable them to admit or deny.

2. If the defendants object to any part of this Request, they must state the grounds for their objection. The defendants must not object solely on the ground that the Request presents a genuine issue for trial.

### REQUESTS FOR ADMISSIONS

Plaintiff requests that defendants admit the following:

#### REQUEST FOR ADMISSION NO. 1:

Admit that the document attached hereto as Exhibit A was made by Christy Wyatt.

#### REQUEST FOR ADMISSION NO. 2:

Admit that the statement made in Exhibit A was made on October 26, 2018.

#### REQUEST FOR ADMISSION NO. 3:

Admit that the Twitter account “christywyatt” is owned and controlled by Christy Wyatt.

#### REQUEST FOR ADMISSION NO. 4:

Admit that Christy Wyatt has exclusive access to the Twitter account “christywyatt”.

#### REQUEST FOR ADMISSION NO. 5:

Admit that Christy Wyatt is defendants Absolute Software, Inc.’s and Absolute Software Corporation’s Chief Executive Officer.

#### REQUEST FOR ADMISSION NO. 6:

Admit that Exhibit A was a prior statement made by Christy Wyatt.

#### REQUEST FOR ADMISSION NO. 7:

Admit that Exhibit A was made by Christy Wyatt in her representative capacity on behalf of Absolute Software, Inc. and Absolute Software Corporation.

#### REQUEST FOR ADMISSION NO. 8:

Admit that Christy Wyatt has adopted the statement made in Exhibit A.

REQUEST FOR ADMISSION NO. 9:

Admit that Christy Wyatt had speaking authority on behalf of Absolute Software, Inc. and Absolute Software Corporation regarding the statement made in Exhibit A.

REQUEST FOR ADMISSION NO. 10:

Admit that Christy Wyatt is an employee of Absolute Software, Inc. and Absolute Software Corporation.

REQUEST FOR ADMISSION NO. 11:

Admit that Christy Wyatt made the statement in Exhibit A while employed by Absolute Software, Inc. and Absolute Software Corporation.

REQUEST FOR ADMISSION NO. 12:

Admit that Christy Wyatt made the statement in Exhibit A within the scope of her employment with Absolute Software, Inc. and Absolute Software Corporation.

REQUEST FOR ADMISSION NO. 13:

Admit that Exhibit A is a present sense impression under Federal Rule of Evidence 803(1).

REQUEST FOR ADMISSION NO. 14:

Admit that Exhibit A is a then-existing mental, emotional, or physical condition under Federal Rule of Evidence 803(3).

REQUEST FOR ADMISSION NO.15:

Admit that Exhibit A is a recorded recollection under Federal Rule of Evidence 803(5).

REQUEST FOR ADMISSION NO.16:

Admit that Exhibit A is a business record of Absolute Software, Inc. and Absolute Software Corporation within the meaning of Rule 803(6) of the Federal Rules of Evidence.

REQUEST FOR ADMISSION NO. 17:

Admit that Exhibit A is a business record within the meaning of Rule 803(6) of the Federal Rules of Evidence.

REQUEST FOR ADMISSION NO. 18:

Admit that Exhibit A is kept in the regular course of business of Absolute Software, Inc. and Absolute Software Corporation.

REQUEST FOR ADMISSION NO. 19:

Admit that the statement made in Exhibit A was a regularly conducted business activity of Absolute Software, Inc. and Absolute Software Corporation.

REQUEST FOR ADMISSION NO. 20:

Admit that it was the regularly conducted business activity of Absolute Software, Inc. and Absolute Software Corporation to make the business record in Exhibit A.

REQUEST FOR ADMISSION NO. 21:

Admit that Christy Wyatt believed the statement made in Exhibit A to be true.

REQUEST FOR ADMISSION NO. 22:

Admit that Exhibit A is a statement against interest under Federal Rule of Evidence 804(b)(b).

REQUEST FOR ADMISSION NO. 23:

Admit that Exhibit A is authentic within the meaning of the Federal Rules of Evidence and does not need to be authenticated for use in this litigation.

REQUEST FOR ADMISSION NO. 24:

Admit that all foundational requirements for the admission of Exhibit A have been satisfied.

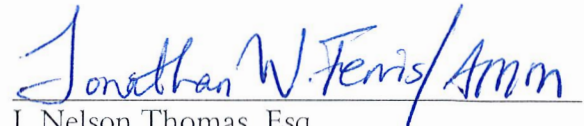
REQUEST FOR ADMISSION NO. 25:

Admit that Exhibit A is admissible into evidence for use in this litigation.

Dated: March 27, 2019

THOMAS & SOLOMON LLP

By:

A handwritten signature in blue ink, reading "Jonathan W. Ferris/Amn", written over a horizontal line.

J. Nelson Thomas, Esq.

Jonathan W. Ferris, Esq.

*Attorneys for Plaintiffs*

693 East Avenue

Rochester, New York 14607

Telephone: (585) 272-0540

Facsimile: (585) 272-0574

nthomas@theemploymentattorneys.com

jferris@theemploymentattorneys.com

# Exhibit A



**Christy Wyatt**  
@christywyatt

Follow



How many people you fired for sexual harassment is likely trivial in comparison to how many talented women/people resigned, were demoted, or pushed out of your company as a result of the behavior and your response to it. Lets report that number - I bet it would be stunning.

11:10 AM - 26 Oct 2018

3 Retweets 22 Likes



1



3

22



**Rob Tyson** @TheClimbJourney · Jan 10  
Replying to @christywyatt  
great point

